IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

-

WRIT PETITION NO : 13698 of 2004

Between:

Dongala Surya Rao, S/o Peraiah,
R/o Kokkirapalli, Yellamanchili Mandal, Visakhapatnam District.

..... PETITIONER

AND

1 The District Collector, Visakhapatnam.
2 The Mandal Revenue Officer, Yellamanchili.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of mandamus declaring the inaction of the respondents in not granting D.Form patta in respect of Ac.4.00 dry land with cashew plantation in Sy.No.313 of Kokkirapalli Village, Yellamanchili Mandal, Visakhapatnam District on the petitions submitted by the petitioner on 10-10-2002, 12-7-2004 and 26-7-2004 in his un-objectionable occupation for over 15 years as being illegal, unjust, arbitrary and violative of Art.14 and 21 of the Constitution of India.

Counsel for the Petitioner : Mr.E.V.BHAGIRATHA RAO

Counsel for the Respondents: G.P. FOR REVENUE (ASSIGNMENT)

The Court made the following :

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ORDER:

Heard the learned counsel for petitioner and the learned Government Pleader for Revenue (Assignment).

Assailing the action of the respondents in not granting D.Form patta to the petitioner in respect of Ac.4.00 dry land with cashew plantation in Sy.No.313 of Kokkirapalli Village, Yellamanchili Mandal, Visakhapatnam District on the petitions submitted on 10-10-2002,
12-7-2004 and 26-7-2004, the present writ petition is filed.

This matter had come up earlier and the learned Government Pleader sought time for filing counter. However, no counter affidavit is filed. Though it has been stated by the Government Pleader that the said patta cannot be granted in favour of petitioner, having regard to the fact that the same has already been assigned in favour of another person.

However, the fact remains that all the representations filed by the petitioner including the latest representation dated 26.7.2004 has not been considered and no orders have been passed. If really the petitioner is not entitled for assignment as such, the same should have been intimated to him by considering his representations on merits, rather than kept it pending.

In the circumstances, the first respondent is directed to consider the aforesaid representation of the petitioner and pass appropriate orders in accordance with law within one month from the date of receipt of a copy of this order.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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B.PRAKASH RAO, J

DA/KVR

To

1 The District Collector, Visakhapatnam.
2 The Mandal Revenue Officer, Yellamanchili, Visakhapatnam district.

3 Two CCs to the G.P. for Revenue (Assignment), High Court,

Hyderabad (OUT).

4 Two CD copies